

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00359-MR**

DWIGHT WAYNE MOORE, JR.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
FNU FOX, et al.,)	<u>ORDER</u>
)	
Defendants.)	
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THIS MATTER is before the Court on the *pro se* Plaintiff's filing of two unexecuted Summonses [Doc. 8].

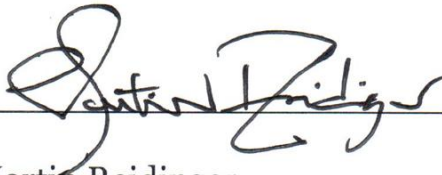
The incarcerated *pro se* Plaintiff filed this action pursuant to 42 U.S.C. § 1983 addressing an incident that allegedly occurred at the Foothills Correctional Institution. [Doc. 1]. He names as Defendants: Foothills C.I.; FNU Fox and FNU McLean, correctional officers at Foothills C.I.; and FNU Mace and FNU Webb, supervisors at Foothills C.I. The Complaint has not yet been reviewed for frivolity pursuant to 28 U.S.C. § 1915.

On February 23, 2021, the Plaintiff purported to return unexecuted Summonses for Defendants McLean and Fox. [Doc. 8]. However, the Court has not yet reviewed the Complaint for frivolity, issued a service waiver to the North Carolina Department of Public Safety, or ordered service by the

United States Marshals Service. The Plaintiff's attempt to serve these Defendants himself is improper and premature. [See Doc. 3: Order of Instructions at ¶ 10] (instructing the Clerk of Court not to issue any summonses in this case until specifically ordered by the Court); 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases."); Fed. R. Civ. P. 4(c)(3) ("At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915...."). The unexecuted Summonses are therefore stricken. See generally Dietz v. Bouldin, 136 S.Ct. 1885, 1892 (2016) ("district courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases."); [Doc. 3: Order of Instructions at ¶ 8] (premature, misdirected, or otherwise improper filings will not be permitted).

IT IS, THEREFORE, ORDERED that Plaintiff's Summonses [Doc. 8] are **STRICKEN**.

IT IS SO ORDERED. Signed: March 1, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

